

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES BIEMAN,

Plaintiff,

v.

KERN COUNTY SHERIFF DETENTION  
FACILITY MEDICAL  
ADMINISTRATION,

Defendant.

1:20-cv-01777 HBK (PC)

AMENDED<sup>1</sup>  
ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 8)

ORDER DENYING AS MOOT DUPLICATE  
APPLICATION TO *PROCEED IN FORMA  
PAUPERIS*

(Doc. No. 11)

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE  
KERN COUNTY SHERIFF

Plaintiff, a prisoner, initiated this action on December 17, 2020, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement in support. (Doc. Nos. 8, 10).<sup>2</sup> Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fee of \$350.00 for this action.

<sup>1</sup> This Order is Amended to reflect the correct statutory filing fee is \$350.00.

<sup>2</sup> Plaintiff filed a duplicate application to proceed *in forma pauperis* on February 12, 2021. (Doc. No. 11). Because the Court is granting Plaintiff's earlier filed application, the Court will deny the later filed application as moot.

1 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty  
2 percent (20%) of the preceding month's income credited to Plaintiff's trust account. 28 U.S.C. §  
3 1915(b)(2). The Kern County Sheriff is required to send to the Clerk of the Court payments from  
4 plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing  
5 fee is paid in full. *Id.*

6 According, it is now ORDERED:

- 7 1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 8) is **GRANTED**.
- 8 2. **Pursuant to 28 U.S.C. § 1915 (b)(1)The Kern County Sheriff or his designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by Plaintiff's name and the case number assigned to this action.**
- 14 3. The Clerk of the Court is directed to serve a copy of this Order and a copy of Plaintiff's *in forma pauperis* application (Doc. No. 8) on the Kern County Sheriff located at 1415 Truxtun Avenue, Bakersfield, CA 93301.
- 15 4. The Clerk of the Court is directed to serve a copy of this Order on the Financial Department, U.S. District Court, Eastern District of California, Sacramento Division.
- 16 5. Plaintiff's duplicate Plaintiff's application to proceed *in forma pauperis* (Doc. No. 11) is **DENIED as moot.**

22 IT IS SO ORDERED.

23  
24 Dated: February 17, 2021

  
25 HELENA M. BARCH-KUCHTA  
26 UNITED STATES MAGISTRATE JUDGE  
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